

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

IN

S.B. Civil Second Appeal No.515/2006

Doot Kumar Mandal S/o Shri Ashutosh Mandal
...defendant-appellant

Versus

Bal Chand Parwal S/o late Dr. Radha Kishan Parwal
...plaintiff-respondent

Date of Order ::: 19.12.2006

Present

Hon'ble Mr. Justice Narendra Kumar Jain

Shri Dinesh Kala, Counsel for defendant-appellant
Shri Rahul Ghiya, Advocate, for
Shri G.D. Parwal, Counsel for plaintiff-respondent

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By the Court:-

Heard learned counsel for both the parties.

The plaintiff-respondent filed a suit for eviction in respect of the rented property in the lower court on the ground of personal bona-fide necessity, availability of alternative accommodation to the defendant, nuisance, subletting and change of user of the rented property. The learned lower court decreed the suit of the plaintiff on the ground of personal bona-fide necessity as well as alternative accommodation available to the defendant, but, so far as other issues are concerned, the same were decided in favour of the defendants. Being aggrieved with the same, the plaintiff as well as the defendant, both, preferred two separate appeals. The learned first appellate court dismissed both the appeals filed by

both the parties.

The suit of eviction on the ground of personal bona-fide necessity as well as availability of alternative accommodation of the defendant has been decreed by both the courts below.

I have heard learned counsel for both the parties and after considering their submissions in the light of the findings of both the courts below, I find that the controversial issues involved in the present case relate to question of fact and there is concurrent finding of fact by both the courts below, which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is dismissed at admission stage with no order as to costs.

(Narendra Kumar Jain) J.

//Jaiman//